

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FLAVIO MORENO,

Plaintiff,

v.

ROMEO ARANAS, *et al.*,

Defendants.

Case No. 3:19-cv-00275-MMD-WGC

ORDER

Pro se Plaintiff Flavio Moreno brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 35), recommending Defendants’ motion to enforce settlement agreement (ECF NO. 23) be granted and the judgment of dismissal entered. Plaintiff had until January 25, 2021 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will grant Defendants’ motion to enforce settlement agreement and dismiss the action.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct de novo review, and is
2 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends Defendants'
3 motion to enforce settlement agreement be granted because the settlement terms
4 expressly agreed to in open court at the Early Mediation Conference are binding. (ECF
5 No. 35 at 3-5.) The Court agrees with Judge Cobb. Having reviewed the R&R and the
6 record in this case, the Court will adopt the R&R in full.

7 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.
8 35) is accepted and adopted in full.

9 It is further ordered that Defendants' motion to enforce settlement agreement (ECF
10 No. 23) is granted.

11 It is further ordered that this action be dismissed with prejudice.

12 The Clerk of Court is directed to enter judgment accordingly and close this case.

13 DATED THIS 27th Day of January 2021.

14
15
16 
17 MIRANDA M. DU
18 CHIEF UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28